

FILED

OCT 11 2007

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

E-FILING

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Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

*Francisco Contreras*  
*Jose Luis Martinez-Guzar*  
Defendant.

CRIMINAL NO. *07-70597 RS*

NOTICE OF PROCEEDINGS ON  
OUT-OF-DISTRICT CRIMINAL  
CHARGES PURSUANT TO RULES  
5(c)(2) AND (3) OF THE FEDERAL RULES  
OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal  
Procedure that on 10/11/07, the above-named defendant was arrested based upon an  
arrest warrant (copy attached) issued upon an

☐ Indictment ☐ Information ☒ Criminal Complaint ☐ Other \_\_\_\_\_  
pending in the Eastern District of California, Case Number 7:07MJ239DXB

In that case, the defendant is charged with a violation(s) of Title(s) 21 United States Code,  
Section(s) 846, 841(a)(1) and 841(b)(1)(A)

Description of Charges: Conspiracy to manufacture  
1,000 or more marijuana plants, and to distribute  
marijuana,

Date: 10/11/07

Respectfully Submitted,  
SCOTT SCHOOLS  
UNITED STATES ATTORNEY

*John N. Long*  
Assistant U.S. Attorney

10/10/2007 13:39 5594455429

FRESNO METH T F

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AO 442 (Rev. 10/95) Warrant for Arrest

# UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

Francisco CONTRERAS

## WARRANT FOR ARREST

CASE NUMBER:

1: 07 MJ 239 • DLB

YOU ARE HEREBY COMMANDED to arrest Francisco CONTRERAS  
and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Violation Notice

charging him or her with (brief description of offense)

Conspiracy to Distribute Marijuana and Possess with Intent to Distribute Marijuana, a Schedule I controlled substance

in violation of Title 21, United States Code, Section(s)

841(a)(1) and 846

Name of Issuing Officer

Signature of Issuing Officer

Bail fixed at

No Bail

by

Title of Issuing Officer

Date and Location

10/10/07 @ Fresno, CA

Name of Judicial Officer

### RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

10/10/2007 13:39 5594455429

FRESNO METH T F

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AO 442 (Rev. 10/95) Warrant for Arrest

# UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

Jose Luis MARTINEZ-GUIZAR

## WARRANT FOR ARREST

CASE NUMBER:

1: 07 MJ 239 - DB

YOU ARE HEREBY COMMANDED to arrest Jose Luis MARTINEZ-GUIZAR  
and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Violation Notice

charging him or her with (brief description of offenses)

Conspiracy to Distribute Marijuana and Possess with Intent to Distribute Marijuana, a Schedule I controlled substance

in violation of Title 21, United States Code, Section(s)

841(a)(1) and 846

Name of Issuing Officer

Signature of Issuing Officer

Bail fixed at

Title of Issuing Officer

Date and Location

Name of Judicial Officer

### RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

## AO 91 (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

## CRIMINAL COMPLAINT

1: 07 MJ 239 -

DLB

CASE NUMBER:

Arnólido HERRERA  
(AKA: Eleazar HERRERA-VALENCIA),  
Juan Antonio SOTO-LOPEZ,  
Omar MEZA,  
Sergio SANTACRUZ,  
Jose BIRRUETA-MACIAS,  
Francisco CONTRERAS, -  
Ricardo VALDIVIAS-HERRERA,  
Jose Luis MARTINEZ-GUIZAR,  
(AKA: "CHEPA"),  
Jesus Zapien PEREZ,  
Bartolo MAULEON and  
Maria de Jesus MUNOZ

(If search warrant is issued regarding this complaint,  
indicate above the case number assigned.)

ORIGINAL  
FILED

OCT 10 2007

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY  DEPUTY CLERK

I, Kevin Boleky, being duly sworn, state the following is true and correct to the best of my knowledge and belief. Since on or about April 1, 2007, and October 11, 2007 in the Eastern and Northern Districts of California, and elsewhere,

The defendants did conspire to manufacture 1,000 or more marijuana plants, and to distribute marijuana, a controlled substance,

in violation of Title 21, United States Code, Sections 846, 841(a)(1) and 841(b)(1)(A), with a maximum penalty of 10 years imprisonment, \$4,000,000 dollar fine, and \$100 penalty assessment.

*At least 5 yrs supervised release*

I further state that I am a Special Agent with the DEA and that this complaint is based on the following facts: See Attached Affidavit.

Continued on the attached sheet and made a part hereof: X Yes    No

  
Signature of Complainant

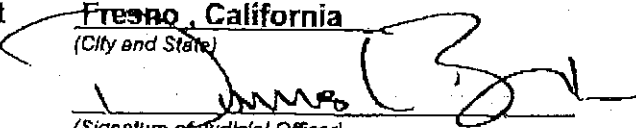
Kevin Boleky, SA, DEA

Sworn to before me and subscribed in my presence,

October 10, 2007  
(Date)

at Fresno, California  
(City and State)

Dennis L. Beck, U.S. MAGISTRATE JUDGE  
(Name & Title of Judicial Officer)

  
(Signature of Judicial Officer)

**AFFIDAVIT**

I, Kevin Boleky, being duly sworn, do hereby declare and state:

**A. INTRODUCTION**

1. I am a Special Agent (SA) for the Drug Enforcement Administration (DEA), and have been so employed since April 1996. During this time, I have completed a sixteen week training academy at Quantico, Virginia, as well as several other DEA schools. This training included the investigation of violations of Title 21, United States Code, Sections 841 and 846. I am currently assigned to the Central Valley Marijuana Investigation Team (CVMIT) which targets large scale marijuana cultivators and distributors. Based on my experience and the training I have acquired from the drug enforcement schools and from working with other Special Agents, including Special Agents with the California State Bureau of Narcotic Enforcement(BNE), Task Force Agents(TFAs) and Detectives, I am providing the following facts.

2. I make this affidavit in part, to support a Complaint charging that Arnoldo HERRERA (AKA: Eleazar HERRERA-VALENCIA), Juan Antonio SOTO-LOPEZ, Omar MEZA, Sergio SANTACRUZ, Jose BIRRUETA-MACIAS, Francisco CONTRERAS, Ricardo VALDIVIAS-HERRERA, Jose Luis MARTINEZ-GUIZAR, (AKA: "CHEPA"), Jesus Zapien PEREZ, Bartolo MAULEON and Maria de Jesus MUNOZ, conspired to manufacture and distribute marijuana, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A). This affidavit is also made to support the issuance of search warrants for the following locations:

A 2236 N. Fern Street, Merced, CA: primary residence of Arnoldo HERRERA and Juan Antonio SOTO-LOPEZ.

B. 15426 Vinewood Avenue, Livingston, CA: used as a location to store marijuana and for individuals who work in marijuana gardens. Possibly a residence for Omar MEZA.

C. 2305 Inglenook Drive, Modesto, CA: primary residence of Sergio SANTACRUZ.

D. 259 Copco Lane, San Jose, CA: primary residence of Francisco CONTRERAS.

1 E. 4801 State Street, Space 39, Ukiah, CA: primary residence of Ricardo HERRERA

2 F. 10 Estrella Circle, Salinas, CA: primary residence of Jose Luis MARTINEZ-  
3 GUIZAR.

4 G. 7164 Chablis Lane, Winton, CA: primary residence of Bartolo MAULEON.

5 H. 42990 Road 124, Oroquieta, CA: residence used as a place to store marijuana.

6 **B. FACTS ESTABLISHING PROBABLE CAUSE**

7 3. The facts and information contained in this affidavit are based on my personal knowledge  
8 of the investigation, knowledge obtained from physical surveillance, investigative reports,  
9 notes, conversation with Federal, State and local law enforcement officials, and information  
10 from reliable and credible confidential sources. This affidavit is not intended to convey each  
11 and every fact of the investigation. It is only intended to establish probable cause that the  
12 above locations described in Attachment A contain the items listed in Attachment B and to  
13 support a Complaint charging the above listed individuals with the above listed violations  
14 of Title 21.

15 4. In June 2007, the California Department of Justice, Bureau of Narcotic Enforcement (CA  
16 DOJ/BNE), Central Valley Marijuana Investigation Team (CVMIT), began an investigation  
17 into the criminal activities of Arnaldo HERRERA. The CVMIT team is comprised of agents  
18 from the Drug Enforcement Administration (DEA), Fresno County Sheriff's Department  
19 (FCSD), Tulare County Sheriff's Department (TCSD), DOJ/BNE, Immigration and Customs  
20 Enforcement (ICE), United States Forest Service (USFS), and National Park Service (NPS).  
21 During this investigation, as outlined in detail below, investigating agents have identified the  
22 following individuals:

23 A. Arnaldo HERRERA, is the primary person involved in the conspiracy to  
24 manufacture and distribute marijuana. Marijuana grow sites in Plumas, Butte and Santa Clara  
25 Counties have been tied to HERRERA and his co-conspirators. Law enforcement has eradicated  
26 69,393 marijuana plants from these grow sites. Evidence has been gathered from physical  
27 surveillance, electronic surveillance (interception of wire communications and a vehicle tracker), and  
28 a Confidential Informant (CI) indicating that HERRERA is responsible for these marijuana grow

1 sites. HERRERA lives at 2236 N. Fern Street, Merced, CA. HERRERA has no known criminal  
2 history.

3 B. Juan Antonio SOTO-LOPEZ is believed to be a very close co-conspirator of  
4 HERRERA and does a large amount of the driving to and from marijuana gardens delivering  
5 supplies and workers. SOTO-LOPEZ is believed to live at 2236 N. Fern Street, Merced, CA, along  
6 with HERRERA. SOTO-LOPEZ has a prior arrest in Salem, OR, for filing a false report  
7 (convicted).

8 C. Omar MEZA is believed to be a very close co-conspirator of HERRERA. MEZA  
9 has also delivered supplies and workers to marijuana gardens for HERRERA. In addition, MEZA  
10 was arrested on September 7, 2007 in a rental vehicle with 22 one-pound bags of processed  
11 marijuana in Willits, CA, in Mendocino County. Agents believe that MEZA was returning from a  
12 marijuana garden owned by HERRERA on the Hoopa Valley Indian Reservation (northeast of  
13 Eureka, CA) in Humboldt County. MEZA has no other known prior history.

14 D. Sergio SANTACRUZ is believed to assist HERRERA in the management of  
15 marijuana grow sites in Plumas County. SANTACRUZ lives at 2305 Inglenook Drive, Modesto,  
16 CA. SANTACRUZ has a prior arrest for DUI.

17 E. Jose BIRRUETA-MACIAS is believed to be a worker in a marijuana grow site  
18 in Plumas County and has been seen on multiple occasions at 2236 N. Fern Street, the residence of  
19 HERRERA and SOTO-LOPEZ. The location of BIRRUETA's residence is unknown at this time.  
20 BIRRUETA-MACIAS has no known criminal history.

21 F. Francisco CONTRERAS is believed to be a nephew of HERRERA's and assists  
22 HERRERA in the management of a grow site on the Hoopa Valley Indian Reservation.  
23 CONTRERAS lives at 259 Copco Lane, San Jose, CA. CONTRERAS has no known criminal  
24 history.

25 G. Ricardo VALDIVIAS-HERRERA is believed to be a nephew of HERRERA's  
26 and assists HERRERA in the management of the grow site on the Hoopa Valley Indian Reservation.  
27 VALDIVIAS-HERRERA lives at 4801 State Street, Space 39, Ukiah, CA. VALDIVIAS-  
28 HERRERA has no known criminal history.



1 H. Jose Luis MARTINEZ-GUIZAR, AKA: "CHEPA", (MARTINEZ) is believed to  
2 be a marijuana customer of HERRERA's and also uses HERRERA's workers for marijuana gardens  
3 either owned by MARTINEZ himself or another associate. MARTINEZ has no known criminal  
4 history.

5 I. Maria de Jesus MUNOZ picked up 86 pounds of marijuana from a residence trailer  
6 in Orosi, CA, on September 23, 2007. MUNOZ was arrested in Fresno County in possession of the  
7 marijuana and is in custody in the Fresno County Jail with an Immigration hold. MUNOZ has no  
8 other known criminal history.

9 J. Jesus Zapien PEREZ was seen by agents loading a cardboard box and a suit case  
10 (believed to contain 200 pounds of marijuana) into GUIZAR's vehicle during marijuana drug  
11 transaction. The residence for ZAPIEN-PEREZ is unknown.

12 K. Bartolo MAULEON, is believed to a source of supply of marijuana for Arnol  
13 HERRERA and Jose Luis Martinez-GUIZAR. MAULEON lives at 7164 Chablis Lane, Winton,  
14 CA.

15 5. This investigation was initiated based on information received from a reliable and credible  
16 confidential informant, hereinafter referred to as the CI. The CI is working for the CVMIT  
17 as a paid informant receiving monetary compensation. The CI has been deemed reliable and  
18 credible. This has been substantiated through many different means, including but not  
19 limited to, pen registers, administrative subpoenas, and Agents' firsthand observations  
20 (physical surveillance) and electronic surveillance.

#### 21 BACKGROUND OF INVESTIGATION

22 6. The following is a summary of the investigation of the Arnol  
23 HERRERA marijuana cultivation organization. The Confidential Informant (CI) used in this investigation is a self-  
24 admitted marijuana cultivator and is familiar with the process of cultivating marijuana in the  
25 mountains of California. In June 2007, the CI, managed by California Bureau of Narcotic  
26 Enforcement (BNE) Special Agent (SA) Isaias Rivera, started to provide information  
27 regarding an individual known to the CI to cultivate marijuana. The CI said that an  
28 individual known to the CI as Arnol  
HERRERA, who lives in the county of Merced, has



over 25 "workers" cultivating and tending to marijuana gardens located throughout the State of California. The CI was previously arrested by CVMIT as he had traded marijuana for a vehicle during an investigation involving a prior wiretap. Charges against the CI were dropped when he agreed to become an informant for the CVMIT. The CI completed that agreement and continues to work as a paid informant receiving monetary compensation. The CI also told agents that HERRERA occasionally employs the CI in the cultivation of marijuana as the CI has some knowledge of this subject.

7. The CI informed agents that Sergio SANTACRUZ, who lives in the city of Modesto, is an assistant to or "right hand man" for HERRERA. SANTACRUZ frequently drops off supplies to workers in the marijuana gardens operated by HERRERA. SANTACRUZ, along with the CI, have also supervised workers in a marijuana garden in Plumas County. The CI also identified a trailer in the city of Livingston, CA, located at 15426 Vinewood Avenue, which is used as storage for harvested marijuana and as living quarters for individuals who cultivate and tend to the marijuana gardens on behalf of HERRERA. The CI provided a cellular telephone for SANTACRUZ of (209) 681-8040. The subscriber to this cellular telephone is Julian SANTACRUZ, 1978 Santa Cruz Avenue, Modesto, CA. The address 1978 does not exist on Santa Cruz Avenue in Modesto.

8. In the month of June 2007, the CI, along with Arnoldo HERRERA and other Hispanic male subjects went to a marijuana grow site in the mountains near Coalinga, CA, in the county of Fresno. The CI stated that HERRERA believed that his growing location in Coalinga was compromised by law enforcement and removed approximately 1,800 small marijuana plants that were not yet planted in the ground. HERRERA had intended on replanting these marijuana plants at a different location and requested the CI assist him in transporting these plants back to his residence, located at 2236 N. Fern Street, Merced, CA. The CI assisted HERRERA in removing the marijuana plants and taking them to HERRERA's residence in Merced. The CI identified the trail head leading to this marijuana garden to SA's Robert Minerva and Rivera. SA Minerva later received information from Fresno County Sheriff's Department (FCSD) Deputy (Dep.) Jake Jensen that a grow site was located in the area

1 where the CI had identified the trail head leading to the garden. Dep. Jensen told SA  
2 Minerva that this garden had several vacant holes in the ground where cultivators had started  
3 to prepare the ground for planting the marijuana. The garden identified by Dep. Jensen is  
4 believed to be HERRERA's garden that he had removed his marijuana plants from.

5 9. In the month of June 2007, the CI along with HERRERA, went to a mountain area in the  
6 Plumas National Forest and delivered several thousand young marijuana plants and other  
7 food supplies to workers who were already inside the marijuana grow site. The CI stated that  
8 HERRERA has multiple marijuana gardens in the Plumas National Forest and that these  
9 grow sites were all in the same general area of the Plumas National Forest. The CI was  
10 equipped with a G.P.S. tracking device while he/she was with HERRERA. A G.P.S. reading  
11 was taken for the location of the trail head the CI and HERRERA used to make their way  
12 into the marijuana garden. The CI assisted HERRERA in delivering the 1,800 small  
13 marijuana plants to workers who were inside this garden. HERRERA requested the  
14 assistance of the CI in the future to travel with him and other workers to deliver food supplies  
15 and other needed equipment to several of HERRERA's marijuana gardens. HERRERA  
16 provided the CI with his cellular telephone number, (209) 639-7389 (hereafter referred to as  
17 the Target Telephone) and requested that the CI get in touch with him utilizing this telephone  
18 number.

19 10. On June 18, 2007, agents surveilled the CI, SANTACRUZ, and three other Hispanic male  
20 adults from the Turlock, CA, area to an unknown marijuana garden in the Plumas National  
21 Forest. Agents followed the vehicle throughout the night and into the morning of June 19<sup>th</sup>.  
22 Agents discontinued surveillance after entering the Plumas National Forest in Plumas  
23 County, CA. Agents discontinued surveillance at Pulga, CA, almost 200 miles from Turlock.  
24 Information later obtained from the CI indicates that the vehicle stopped approximately 11  
25 miles north of Pulga, CA, near Merlin, CA. The CI said this is where the CI and  
26 SANTACRUZ were dropped off near a trail head to take supplies to four workers already  
27 tending to the garden. The CI and SANTACRUZ were also to make sure the workers were  
28 growing the marijuana properly. Agents obtained a G.P.S. location for this site with the

1 assistance of the CI and the use of a G.P.S. tracking device. The CI and SANTACRUZ were  
2 picked up by the same driver on June 21, 2007. Prior to the CI and SANTACRUZ being  
3 dropped off, the van dropped off two other workers with food supplies, drip line, and plant  
4 fertilizer at a trail head for a different marijuana garden than the one the CI and  
5 SANTACRUZ were going to. The CI learned that there is an AK-47 in this garden that is  
6 used by the workers there.

7 11. On June 28, 2007, U.S. Magistrate Judge Sandra M. Snyder signed a court order allowing  
8 agents to equip a Chrysler mini-van (hereafter referred to as SUBJECT VEHICLE), CA  
9 license 5UUN487, with a G.P.S. tracking device. The register owner of the SUBJECT  
10 VEHICLE is Juan A. SOTOLOPEZ, 622 W. 9<sup>th</sup> Street, Merced, CA. The SUBJECT  
11 VEHICLE was identified by the CI as a vehicle used by HERRERA and SANTACRUZ to  
12 deliver workers and supplies to the marijuana gardens. The SUBJECT VEHICLE was also  
13 the vehicle that was surveilled on the night of June 18, 2007 driving into the Plumas National  
14 Forest. On June 28, 2007, agents equipped the SUBJECT VEHICLE with a G.P.S. tracking  
15 device after obtaining the vehicle from the CI who had obtained the vehicle directly from  
16 HERRERA.

17 12. On June 30, 2007, the SUBJECT VEHICLE was tracked to a trail head located on San  
18 Antonio Valley Road, in the Santa Clara County mountains near Mount Hamilton. The  
19 G.P.S. tracker information obtained showed the van arrived at a G.P.S. reading and only  
20 stayed approximately eight minutes before traveling back to the city of Livingston. The trail  
21 head this van was followed to leads directly to two marijuana gardens containing a total of  
22 13,375 marijuana plants that were eventually eradicated by the Santa Clara County Sheriff's  
23 Department. On the same date, June 30, 2007, the SUBJECT VEHICLE also made a trip  
24 to the Plumas National Forest where it stopped at two locations for approximately three to  
25 five minutes. Both of these locations are believed to be trail heads leading to marijuana  
26 gardens occupied by Hispanic male adults that work for HERRERA. The vehicle stopped  
27 for a short time in the middle of the night which would indicate the dropping off of supplies  
28 and/or workers. The SUBJECT VEHICLE was then tracked back to 15426 Vinewood Road,

1 Livingston, the trailer the CI identified as a stash location, where it parked.

2 13. On July 9, 2007, agents from CVMIT and Deputies from the Santa Clara County Sheriff's  
3 Department eradicated two gardens near Mount Hamilton in Santa Clara County. These  
4 gardens were located on private property close to San Antonio Road. Both of these gardens  
5 had a trail, which ran alongside a dry river bed, leading to the drop point where the  
6 SUBJECT VEHICLE was tracked to on June 30, 2007, using the G.P.S. tracker. The private  
7 property had a barb wire fence running along San Antonio Valley Road and the location  
8 where the vehicle stopped on San Antonio Valley Road had a board woven within the barb  
9 wire as if to mark the spot on the road for the vehicle to stop. Agents asked the rancher, who  
10 owned the private property, if he put the board into the fence and he stated that he did not.

11 14. On July 10, 2007, the CI called HERRERA on the TARGET TELEPHONE, and made  
12 arrangements to meet with him at 15426 Vinewood Road, Livingston. The CI, followed by  
13 agents, went to the residence and met with HERRERA. The CI spoke with HERRERA  
14 regarding going to the Plumas National Forest to check on the workers who were in the  
15 marijuana gardens. HERRERA told the CI he needed to take up supplies, which included  
16 liquid spray to keep the bugs from eating his marijuana plants. HERRERA mentioned to the  
17 CI that his gardens in Santa Clara County were possibly eradicated by law enforcement.  
18 HERRERA told the CI that he would be sending some people to confirm that his gardens  
19 were in fact eradicated.

20 15. On July 11, 2007, HERRERA and another subject (hereafter referred to as HMA #1) spoke  
21 with the CI at 15426 Vinewood Road, regarding the eradication of this marijuana garden in  
22 Santa Clara County that belonged to HERRERA. HMA #1 was at 15426 Vinewood Road  
23 and told the CI that he was inside the marijuana garden when law enforcement entered into  
24 the garden. HMA #1 told the CI that he fled from law enforcement and eventually was  
25 picked up and brought back to the residence on Vinewood Road. The CI was equipped with  
26 a recording device to record this conversation with HERRERA, however, the recording  
27 failed.

28 16. On July 11, 2007, the CI spoke with HERRERA who told the CI that both his red van and

1 his white van (SUBJECT VEHICLE) were having mechanical problems. The CI agreed to  
2 assist HERRERA in taking the vans to a radiator shop to have them repaired. Agents  
3 conducted surveillance at 15426 Vinewood Road, Livingston were HERRERA, the CI, and  
4 two other subjects were seen driving in the red and white vans to a radiator shop in the city  
5 of Modesto. Both vans were dropped off at this location for repair. During the surveillance,  
6 agents saw HERRERA, the CI, Juan Antonio SOTO-LOPEZ, HMA #1 and one other  
7 Hispanic male adult, leave the radiator shop in a red 2004 Toyota Corolla, CA Lic.  
8 #5EQD629 (R/O Contreras, Francisco, 259 Copco Lane, San Jose, CA). Surveillance  
9 continued to watch the CI and HERRERA who eventually picked up both vans at the radiator  
10 shop and delivered them back to the residence located at 15426 Vinewood Road. 17. On  
11 July 12, 2007, arrangements were made to have electronic surveillance on the residence at  
12 15426 Vinewood Road. A pole camera was set up in order to record the occupants coming  
13 and going from the residence. The pole camera at this location is unable to fully identify and  
14 obtain a close up recording of the subjects at this residence.

15 18. On July 13, 2007, U.S. Magistrate Judge Sandra M. Snyder signed an order authorizing the  
16 installation and use of a pen register device on the TARGET TELEPHONE and (209) 681-  
17 8040, the cellular telephone of SANTACRUZ.

18 19. On July 14, 2007, at approximately 9:15 pm, the CI called SA Rivera and told SA Rivera that  
19 he/she had talked to HERRERA and HERRERA asked the CI if he/she could go to the  
20 Plumas marijuana gardens to check the status of the gardens. When the CI told HERRERA  
21 he/she could not go, HERRERA told the CI he would send SANTACRUZ without the CI.  
22 At 6:55 pm, the pen register shows an outgoing telephone call from the TARGET  
23 TELEPHONE to the CI's cellular phone. The duration of this call was 55 seconds. At 9:03  
24 pm, the pen register shows an incoming call from the CI's cellular telephone to the TARGET  
25 TELEPHONE. The duration of this call was four minutes and twenty seconds. At 9:38pm,  
26 the pen register shows an outgoing call from the TARGET TELEPHONE to the cellular  
27 telephone of Sergio SANTACRUZ. The duration of this call was two minutes and twelve  
28 seconds.



1 20. On July 15, 2007, the SUBJECT VEHICLE was tracked leaving the Livingston area and data  
2 revealed that the van stopped at several locations in the Plumas National Forest, all of which  
3 are believed to be trail heads leading to marijuana gardens. The vehicle stopped for a short  
4 time in the middle of the night at these locations which would indicate the dropping off of  
5 supplies and/or workers.

6 21. On July 18, 2007, agents conducted surveillance at 2236 N. Fern Street, Merced, CA. This  
7 is the primary residence of HERRERA. Agents saw the SUBJECT VEHICLE parked in the  
8 driveway at this residence. Agents later followed this van, which eventually arrived at the  
9 town of Winton and parked near a park where subjects were playing volleyball and soccer.  
10 The driver was identified as HERRERA. HERRERA, along with a passenger, exited the van  
11 and contacted a group of Hispanic male adults who were playing volleyball. The van  
12 eventually left the park with four occupants inside. Agents arranged with the Merced County  
13 Sheriff's Department (MCSD) to conduct a traffic stop and identify the occupants of the van.  
14 SA Rivera spoke with a MCSD Deputy who told SA Rivera that the four occupants in the  
15 van did not have any valid identification. The identifications provided to law enforcement  
16 were more than likely fictitious names and dates of birth. Agents attempted to utilize the  
17 computer system to obtain identification for the names and dates of birth provided to the  
18 MCSD deputy with negative results. HERRERA, who was identified as the driver of the  
19 SUBJECT VEHICLE, identified himself to the MCSD deputy as Eleazar HERRERA-  
20 VALENCIA.

21 22. On July 21, 2007, data downloaded from the G.P.S. tracker on the SUBJECT VEHICLE  
22 showed that at approximately 11:13 pm, the van left the Vinewood Road location and drove  
23 to the Plumas National Forest. At approximately 2:55 am on July 22, 2007, the SUBJECT  
24 VEHICLE stopped for five minutes at a G.P.S. reading believed to be a trail head leading to  
25 a marijuana garden. The SUBJECT VEHICLE made three other stops that were only  
26 approximately five minutes each. Agents believe that at these particular locations are trail  
27 heads leading to marijuana gardens in the Plumas National Forest. It was noted that the  
28 SUBJECT VEHICLE made several stops en route to these drop point locations for only

1 approximately 10 to 15 seconds per stop. It is believed that the SUBJECT VEHICLE was  
2 conducting counter surveillance in order to detect other vehicles driving in the mountains at  
3 night behind the SUBJECT VEHICLE. Information from the pen register shows that the  
4 TARGET TELEPHONE called and received calls from (209) 230-6630, seven times from  
5 4:24 pm to 9:25 pm, on July 21, 2007. The subscriber to (209) 230-6630 is Juan SOTO, 622  
6 W. 9th Street, Merced, CA. In addition, the CI said that this is the cellular phone of Juan  
7 SOTO-LOPEZ. The cell sites for the TARGET TELEPHONE during this time frame  
8 indicate that it was being used in the area of the Vinewood Avenue location. The SUBJECT  
9 VEHICLE eventually was tracked back to 15426 Vinewood Road, Livingston, where it  
10 arrived at approximately 7:00 am on July 22, 2007.

11 23. On July 25, 2007, the SUBJECT VEHICLE was tracked from 15426 Vinewood Road,  
12 Livingston to the Plumas National Forest. The SUBJECT VEHICLE arrived at the Plumas  
13 National Forest after 1:00 am on July 26<sup>th</sup> and made one stop in the Plumas National Forest  
14 at approximately 1:23 am for six minutes. The SUBJECT VEHICLE then traveled  
15 southbound, stopped in Oroville, CA, for approximately one hour and twenty minutes, and  
16 arrived back at the Vinewood location at approximately 4:54 am. Information from the pen  
17 register shows that the TARGET TELEPHONE called and received calls from (209) 230-  
18 6630 nine times on July 25<sup>th</sup>, from 4:25 pm to 9:38 pm.

19 24. On July 28, 2007, the SUBJECT VEHICLE was tracked from 2236 N. Fern Street to 15426  
20 Vinewood Road to the Plumas National Forest. The SUBJECT VEHICLE was driven by  
21 Juan SOTO-LOPEZ and contained the CI and another Hispanic male adult (HMA #2). The  
22 tracker showed the SUBJECT VEHICLE made two stops in the Plumas National Forest at  
23 approximately 1:20 am and 1:41 am on July 29, 2007. At approximately 2:34 am, the  
24 SUBJECT VEHICLE was stopped by the Marysville Police Department at the request of the  
25 U.S. Forest Service. The driver of the SUBJECT VEHICLE was Juan Antonio SOTO-  
26 LOPEZ who presented a valid Oregon drivers license. SOTO-LOPEZ told the Marysville  
27 Police Officer that he was driving from Oroville, CA, to Sacramento, CA, to visit his  
28 nephew. The SUBJECT VEHICLE was tracked back to 15426 Vinewood Road and arrived



1 there at 7:34 am. The CI told agents he/she and HMA #2 were dropped off by Juan SOTO-  
2 LOPEZ and were picked up the evening of July 29, 2007 by Omar MEZA, in a black Dodge  
3 pickup. On the evening of July 28<sup>th</sup>, the TARGET TELEPHONE received four calls from  
4 (209) 230-6630, SOTO-LOPEZ' cellular phone, between 5:46 pm and 6:27 pm. At 10:30  
5 pm that evening, SOTO-LOPEZ picked up the CI in Modesto, CA, to go to the Plumas  
6 National Forest. The CI said that MEZA talked about a marijuana garden in the area of  
7 Eureka, CA. The CI identified a photo of Omar MEZA as the individual who drove the CI  
8 to HERRERA's marijuana gardens in the Plumas National Forest on June 18, 2007. The CI  
9 told agents that MEZA lives in a trailer at the Vinewood location. The debriefing of the CI  
10 was conducted on June 30, 2007. The vehicle license for the Dodge pickup was later  
11 determined to be 7B2313, R/O: Jeronimo MENDOZA, 227 Spencer Avenue, Modesto, CA.  
12 The D.M.V. indicates a release of liability on July 26, 2007 to the buyer Francisco  
13 CONTRERAS, 2817 Mockingbird Drive, Ceres, CA). This black Dodge pickup has been  
14 seen on several occasions since July 29, 2007, parked at 2236 N. Fern Street, Merced, the  
15 residence of HERRERA..

16 25. On August 4, 2007, the SUBJECT VEHICLE was tracked to the Six Rivers National Forest  
17 and into the Hoopa Valley Indian Reservation located in Humboldt County, California,  
18 approximately 30 to 40 miles to the northeast of Eureka, CA. On the morning of August 5,  
19 2007, the SUBJECT VEHICLE was tracked back to 15426 Vinewood Road where it had left  
20 from, almost 22 hours earlier. No activity of any significance was noticed on the pen register  
21 during this time period.

22 26. On August 7, 2007, the CI identified a Stanislaus County Sheriff's Department booking  
23 photograph of Sergio SANTACRUZ, DOB: 5/6/80, as the individual previously mentioned  
24 by the CI, and who has traveled with the CI to the marijuana gardens in the Plumas National  
25 Forest. The CI also identified an Oregon drivers license photo of Juan Antonio SOTO-  
26 LOPEZ as the individual known to the CI as "Juan" and the individual who drove the CI to  
27 the Plumas National Forest on July 28, 2007.

28 //

1 27. On August 10, 2007, the CI was debriefed regarding conversations with HERRERA. The  
2 CI stated that on August 10, 2007, the CI went to 2305 Inglenook Ave, Modesto, CA. This  
3 is the residence of SANTACRUZ. The CI stated that HERRERA was also at the residence.  
4 HERRERA told the CI that he would be taking the CI to a marijuana garden in the Eureka  
5 area on Monday (August 13, 2007). On August 13, 2007, the CI called HERRERA and  
6 asked what time he would be picking up the CI to go to Eureka and HERRERA told the CI  
7 that he was in Eureka already. HERRERA then told the CI that the CI would be going to the  
8 marijuana gardens in Plumas on August 15, 2007. On August 13, 2007, at 5:32 pm, the pen  
9 register on the TARGET TELEPHONE shows an incoming call from the cellular telephone  
10 of the CI. At this time, the cell site data put the TARGET TELEPHONE in the San Jose,  
11 CA, area. At 7:37 pm, cell site data for the TARGET TELEPHONE put the phone in  
12 northwest San Francisco, just to the south of the Golden Gate bridge. The next cell site  
13 reading for the TARGET TELEPHONE was on August 15, 2007 at 10:12 am using a cell site  
14 near HERRERA's residence on Fern Street, Merced.

15 28. On August 18, 2007, the Butte County Sheriff's Department was conducting surveillance on  
16 Highway 70 in the Plumas National Forest several miles north of Pulga, when a black Dodge  
17 pickup (no license plate obtained) arrived and two males exited the pickup. One male  
18 entered the pickup shortly after exiting and one male stayed at a trail head for several hours  
19 before disappearing. The description of the black Dodge pickup matches the description of  
20 the black Dodge pickup that MEZA used to pick up the CI on July 29, 2007 and that has been  
21 seen parked at 2236 N. Fern Street, the residence of HERRERA. The Butte County Sheriff's  
22 Department was conducting the surveillance in conjunction with the CVMIT looking for late  
23 night supply drop-offs for grow sites connected to HERRERA.

24 29. On August 19, 2007, a graduate student in Geology from Fresno State University was  
25 walking into the Plumas National Forest several miles east of Belden on the north side of  
26 Highway 70. The graduate student was approached by a Hispanic male with a chrome  
27 handgun. The graduate student was able to escape and dial 911. Several Plumas County  
28 Sheriff Deputies responded to the area along with a helicopter from the California Highway

Patrol. A marijuana grow was spotted in the area of where the graduate student had seen the Hispanic male adult with the handgun. Based on this information and the potential risk to people in the area, the Plumas County Sheriff's Department decided to eradicate this marijuana grow site on August 22, 2007. The Plumas County Sheriff's Department eradicated 6,237 marijuana plants from this grow site. This grow site is referred to as the Missouri Bar Caribou site. Two males were in the marijuana garden at the time of eradication, however, they were able to escape. CVMIT Special Agent Supervisor (SAS) Brent Wood was with the Plumas County Sheriff's Department during the eradication of this grow site. According to SAS Wood, the grow site was approximately two tenths to three tenths of a mile from Highway 70 where the SUBJECT VEHICLE stopped on July 16, 2007. While Deputies were eradicating the Missouri Bar Caribou site, they discovered another grow site approximately nine tenths of a mile to the north. This grow site is referred to as the Gansner Bar Greenville site and deputies eradicated 3,043 marijuana plants from this site.

30. According to the CI, on August 20, 2007, the CI was with HERRERA, MEZA and another Hispanic male adult, later identified as Jose BIRRUETA-MACIAS (hereinafter BIRRUETA), at the CI's residence when the CI overheard HERRERA, MEZA, and BIRRUETA discuss an incident that occurred the prior day in the Plumas National Forest. BIRRUETA was telling HERRERA and MEZA how a man had approached a worker in the marijuana garden and then ran from the area. BIRRUETA was in the SUBJECT VEHICLE on July 18, 2007, when a Merced County Sheriff's Deputy conducted a vehicle stop and requested the names and dates of birth of the individuals in the SUBJECT VEHICLE. The MCSD Deputy took pictures of all the individuals in the SUBJECT VEHICLE. On August 23, 2007, the CI identified the photo of BIRRUETA as the individual that was at the CI's residence on August 20, 2007. A photo of BIRRUETA and other co-conspirators was shown to the graduate student on September 5, 2007, however he was unable to identify any of the individuals he saw in the marijuana garden.

31. On August 22, 2007, Agents followed the previously mentioned black Dodge pickup from 15426 Vinewood Road, Livingston, CA, to 259 Copco Lane, San Jose, CA, and then to the

1 Hoopa Valley Indian Reservation. The Dodge pickup was driven by MEZA and occupied  
2 by three other male passengers. Prior to the pickup leaving the Vinewood location, it arrived  
3 being driven by HERRERA.

4 32. On August 28 and 29, 2007, the Sheriff's Departments of Butte and Plumas County  
5 eradicated six marijuana gardens associated with HERRERA. Deputies eradicated 45,884  
6 plants from these sites and seized 45 pounds of processed marijuana, one loaded 9mm  
7 handgun and a loaded SKS carbine. Plant sizes ranged from two feet to nine feet with most  
8 of the plants budding. On September 6, 2007, Plumas County Deputies eradicated another  
9 site containing 854 plants. This site was approximately 50 yards from the Oppape Creek  
10 Storrie site eradicated on August 28, 2007. During the eradication of the Oppape Creek site  
11 on August 28, 2007, Plumas County Sheriff Deputy Todd Johns observed a Hispanic male  
12 in the garden and gave orders to stop. The male fled and was not apprehended. A while later  
13 a Hispanic male adult was detained on Highway 70 within a half mile of the trail head  
14 leading to the Oppape Creek site. Deputy Johns identified this suspect, later identified as  
15 Manuel Salvador BIRRUETA-MACIAS, as the same individual he observed in the Oppape  
16 Creek site. Agents believe he is the brother of Jose BIRRUETA-MACIAS. During a post  
17 arrest interview, after waiving his *Miranda* rights, Manuel Salvador BIRRUETA-MACIAS  
18 stated to investigators that he met Jose LNU and Ricardo LNU at an unknown restaurant in  
19 Merced who offered him money to help tend to marijuana gardens. He was then driven to  
20 the garden by a Juan Ramirez, in a dirty, red, four door Nissan car, along with Jose LNU and  
21 Ricardo LNU. He said that he was in the garden for three days before the deputies arrived.  
22 He had no other information regarding the individuals responsible for the marijuana grows  
23 in Plumas County. Deputies spotted another Hispanic male in the Oppape Creek site  
24 watering marijuana plants and wearing camouflaged clothing. This male fled and has not  
25 been found.

26 33. On September 5, 2007, U.S. District Court Judge Anthony W. Ishii, Eastern District of  
27 California, authorized the interception of wire communications on the TARGET  
28 TELEPHONE. On September 5, 2007, CVMIT Agents initiated electronic surveillance on

1 the TARGET TELEPHONE at approximately 4:35pm.

2 34. On September 5, 2007, surveillance was initiated at 2236 Fern Street, Merced, CA, at  
3 approximately 5:00 pm. At establishing surveillance, Agents observed HERRERA arrive  
4 at the residence in a 1998 green Honda Accord, CA license 5VHK263 (R/O Francisco  
5 CONTRERAS, 259 Copco Lane, San Jose, CA). During the morning of September 5, 2007,  
6 the SUBJECT VEHICLE was tracked to the Plumas National Forest. From approximately  
7 5:00 am until approximately 8:00 am, the SUBJECT VEHICLE was parked on the side of  
8 Highway 70 near Rich Bar Road to the east of Belden. From approximately 9:00 am until  
9 approximately 11:00 am, the SUBJECT VEHICLE was parked on the side of Highway 70  
10 to the east of Massack. After spending some time in the town of Quincy, the van drove to  
11 an area known as Pauls Creek, north of Tunnel 17, and stayed there from approximately  
12 3:00pm until approximately 7:00pm and then drove southbound. At 9:00pm, the TARGET  
13 TELEPHONE received an incoming call from (209)230-6630, call #1739. The subscriber  
14 to this telephone is Juan SOTO (Juan SOTO-LOPEZ). During the conversation, SOTO-  
15 LOPEZ tells HERRERA, "no he's not there where we looked for him....but we already found  
16 him". SOTO then goes on to tell HERRERA, "He's not there but he's....locked up there.  
17 They went to go get the newspaper from over there.....and the first thing we saw was that his  
18 name was there." HERRERA states that, "....at least we've got rid of that worry." Based on  
19 training and experience, your affiant believes that SOTO-LOPEZ traveled to the Plumas  
20 National Forest to find Manuel Salvador BIRRUETA-MACIAS. An article appeared in the  
21 Plumas County News detailing the arrest of Manuel Salvador BIRRUETA. HERRERA then  
22 asks, "Where are you at?" SOTO-LOPEZ answered, "We're here already almost getting to  
23 Marysville." The distance between Marysville, CA and Livingston, CA is approximately 140  
24 miles. The SUBJECT VEHICLE arrived at 15426 Vinewood Road, Livingston, CA at  
25 11:47pm. Before the subject vehicle arrived at the Vinewood Road location, it stopped at  
26 the Chevron Gas Station less than one mile from the residence. Agents observed Juan  
27 Antonio SOTO-LOPEZ exit the SUBJECT VEHICLE and enter the Chevron Station to  
28 purchase beer. Agents noticed that there were three other Hispanic male passengers in the



1 SUBJECT VEHICLE at the Chevron Gas Station. All three passengers were wearing  
2 camouflaged clothing. After leaving the Vinewood Road location, the SUBJECT VEHICLE,  
3 driven by SOTO-LOPEZ, was surveilled to 2236 N. Fern Street, Merced, CA, and parked  
4 in the driveway.

5 35. On September 5, 2007, at 6:58 pm, the TARGET TELEPHONE made an outgoing call to  
6 (408) 440-7780, call #1721. The subscriber to (408)440-7780 is Francisco CONTRERAS,  
7 259 Copco Lane, San Jose, CA. The individual using (408)440-7780 was later identified as  
8 Francisco CONTRERAS by SA Pacheco. On September 16, 2007, SA Pacheco was parked  
9 next to Francisco CONTRERAS after following CONTRERAS from 259 Copco Lane, San  
10 Jose, CA, and SA Pacheco placed a phone call to (408)440-7780. SA Pacheco then observed  
11 CONTRERAS answer the phone and SA Pacheco had a short conversation with  
12 CONTRERAS. During the September 5, 2007 conversation, CONTRERAS told  
13 HERRERA, "We were watering the tomatoes.....they didn't grow too much, but they are  
14 going to give something". CONTRERAS then asks, "...Omar maybe will come over here  
15 early?". HERRERA responds, "Yes", and then CONTRERAS then asks, "...so he can take  
16 the car again from over here where we rent it out?". HERRERA responded in the  
17 affirmative. Two days later, on September 7, 2007, at approximately 1:53 am, Omar MEZA  
18 and another individual, Miguel Angel ARREGIN, were stopped in the town of Willits, CA,  
19 in Mendocino County, in a Ford Explorer, rented from Avis. During the course of the  
20 vehicle stop, a Mendocino County Sheriff's Office Sgt. located 22 one pound packages of  
21 marijuana in the rear of the vehicle following an exterior K-9 sniff. On September 9, 2007,  
22 agents observed a Green Honda, CA license, 5VHK263 (R/O Francisco CONTRERAS, 259  
23 Copco Lane, San Jose, CA), parked outside the Avis rental location in the AMC Shopping  
24 Center in San Jose. Omar MEZA has been seen driving this Honda on several occasion by  
25 surveillance agents. There is also a Sears Auto Center in the same shopping center as the  
26 Avis. On September 9, 2007, Agents observed Francisco CONTRERAS enter the Sears  
27 Auto Center in a work uniform and SA Robert Minerva then called the Sears Auto Center  
28 and asked for Francisco CONTRERAS, who then answered the phone. Agents followed

1 CONTRERAS from 259 Copco Lane, San Jose, CA, to the Sears Auto Center. The vehicle  
2 driven by CONTRERAS to the Sears Auto Center was a 2001 Orange Chevrolet pickup, CA  
3 license 6K91174 (R/O Edith Farias-Salas, 259 Copco Lane, San Jose, CA).

4 36. On September 7, 2007, at 10:31 am, the TARGET TELEPHONE received an incoming call  
5 from (408) 440-7780, call #1847. During the conversation, CONTRERAS asks HERRERA,  
6 "...did you talk to Omar?". HERRERA answered, "No, he hasn't called me and I've been  
7 calling and he doesn't answer". CONTRERAS says that he is worried and HERRERA said  
8 that he is worried also. CONTRERAS said, "I talked to Ricardo and he said that he called  
9 him around three in the morning.....and he hasn't arrived. It's fucked up". CONTRERAS  
10 then says, "Let's wait another while to see what happens. To see if he....calls. ".  
11 HERRERA agrees. During the arrest of MEZA, he was in possession of cellular phone  
12 (209)620-5943. This phone called or was called by the TARGET TELEPHONE in excess  
13 of 200 times between July 13, 2007 and September 8, 2007. The last conversation between  
14 MEZA and HERRERA was on September 6, 2007 at 1:37pm. MEZA and HERRERA had  
15 several conversations on September 6, 2007, discussing the arrest of Manuel Salvador  
16 BIRRUETA.

17 37. On September 7, 2007, at 11:08 am, the TARGET TELEPHONE received an incoming call  
18 from telephone number (707) 234-1430, call #1849. This phone is subscribed to Veronica  
19 VALDIVIAS, PO Box 404, Potter Valley, CA. The male caller, later identified as Ricardo  
20 VALDIVIAS-HERRERA, asked HERRERA, "They haven't arrived yet?". HERRERA  
21 replied in the negative. VALDIVIAS-HERRERA then asked if they called and HERRERA  
22 replies in the negative. VALDIVIAS-HERRERA then said, "I'm telling you they called me  
23 at three in the morning". HERRERA asked, "Were they coming?". VALDIVIAS-  
24 HERRERA then said that they were coming to him and that they also called him at eleven  
25 at night and he (VALDIVIAS-HERRERA) told them not to drive at night and then  
26 mentioned that they told him (VALDIVIAS-HERRERA) that they might stay where they  
27 were at due to the presence of police. Based on training and experience, your affiant believes  
28 that this phone is used by Ricardo VALDIVIAS-HERRERA and that they are discussing the



fact that Omar MEZA and his passenger are missing and they suspect he was arrested. According to the CA DMV, Ricardo VALDIVIAS (VALDIVIAS-HERRERA) lists and address of 4801 N. State Street, Space 39, Ukiah, CA, updated as of May 11, 2007. Also, according to the CA DMV, Veronica VALDIVIAS has an address of 4801 N. State Street, Space 39, Ukiah, CA, updated as of March 3, 2003. According to Lexis-Nexis, this address is current for Veronica VALDIVIAS as of July 2007.

38. On September 7, 2007 at 11:55 am, the TARGET TELEPHONE made an outgoing call to (209) 485-8224, call #1858. This is a prepaid phone subscribed to Anthony Daniels and is used by an individual using the name "PELON". HERRERA asked PELON, "Can the lawyer investigate for us where the young man is?". PELON told him yes and HERRERA goes on to tell PELON that it is in the County of Plumas and that the name is Manuel Salvador BIRRUETA-MACIAS and his age is 18 years old but that the newspaper says he is 22 years old. PELON said, "Let me investigate and I'll call you back right now."

39. On September 7, 2007, at 1:02, the TARGET TELEPHONE made an outgoing call to (408) 440-7780, call #1867. During the call, HERRERA and CONTRERAS discuss MEZA. CONTRERAS told HERRERA, "I've been trying to call him but nothing, the telephone is turned off". HERRERA then told CONTRERAS, "Don't call him on that one anymore". CONTRERAS then said, "No, I've been calling with the-with the other one". On September 16, 2007, SA Pacheco saw that Francisco CONTRERAS had two phones on his hip when SA Pacheco saw CONTRERAS at a 76 gas station in San Jose, CA.

40. On September 10, 2007, the CI went to 2236 N. Fern Street, Merced, CA, and spoke with HERRERA. HERRERA told the CI that he was upset his marijuana was taken by law enforcement in Plumas but that he still had marijuana gardens in Eureka. HERRERA then told the CI that he was still looking for Omar (MEZA) but feared he was arrested. On September 27, 2007, law enforcement flew over the Hoopa Valley Indian Reservation and flew near the coordinates where the SUBJECT VEHICLE was tracked previously. An aerial observer saw a partially harvested marijuana garden near the coordinates and also saw a marijuana garden approximately one to two miles to the south and it is unknown if this grow

1 site is related to HERRERA.

2 41. On September 12, 2007, at 11:18 am, the TARGET TELEPHONE made an outgoing call to  
3 (831) 737-3017, call #2147. The subscriber is Jose Luis CONTRERAS, 327 Bardin Road,  
4 Salinas, CA. The phone is used by Jose Luis MARTINEZ-GUIZAR (GUIZAR), aka  
5 "CHEPA", who agents believe lives at 10 Estrella Circle, Salinas, CA. Later that day, at  
6 approximately 5:24 pm, SA Pacheco placed a call to (831) 737-3017 and observed GUIZAR  
7 pick up the phone and put it back down after SA Pacheco hung up in order to identify the  
8 user of the telephone. GUIZAR told HERRERA, "Look, have the guys ready that are going  
9 to come work. Are they going to come or not?". HERRERA said yes. GUIZAR tells  
10 HERRERA to hurry so that he can get back (to Salinas). At approximately 4:30 pm, agents  
11 observed a 2007 Cadillac Escalade, CA license 5YXF877, arrive at 2236 N. N. Fern Street,  
12 Merced, CA. The registered owner of the Escalade is Jose Luis CONTRERAS, 327 Bardin  
13 Road, Salinas, CA. The driver of the Escalade was later identified as Jose Luis MARTINEZ-  
14 GUIZAR (GUIZAR). Agents followed the Escalade to 15426 Vinewood Road, Livingston,  
15 CA, and agents observed several unknown individuals loading duffel bags into the Escalade.  
16 Agents then followed the Escalade, driven by GUIZAR and occupied by four unknown  
17 Hispanic male passengers, to 10 Estrella Court, Salinas, CA. Agents then saw the Escalade  
18 parking in the garage of 10 Estrella Circle at approximately 9:16pm.

19 42. On September 16, 2007, while conducting surveillance at 259 Copco Lane, San Jose, CA,  
20 agents observed the SUBJECT VEHICLE parked in front of the residence. Agents then  
21 observed MEZA and SOTO enter the SUBJECT VEHICLE which was then tracked back to  
22 15426 Vinewood Road, Livingston, CA.

23 43. On September 19, 2007, agents sent the CI to 2236 N. N. Fern Street, Merced, CA, to talk  
24 to HERRERA about the eradication of the marijuana garden on the Hoopa Valley Indian  
25 Reservation. HERRERA told the CI that he would utilize the CI to bring out the processed  
26 marijuana, about 50-60 pounds, and take it to a stash location somewhere in the area of the  
27 marijuana grow. HERRERA also told the CI about a 200 pound marijuana deal he was  
28 attempting to do the next day and had to obtain the marijuana locally. HERRERA told the

1 CI he would call the CI later. A recording was made of the meeting.

2 44. On September 19, 2007, a money order for \$100.00 was given to the Plumas County Jail for  
3 prisoner Manuel Salvador BIRRUETA-MACIAS. The money order was received from  
4 Monica Rangel, 2236 N. N. Fern Street, Merced, CA. Rangel is believed to be the wife of  
5 HERRERA and has been intercepted on the TARGET TELEPHONE.

6 45. On September 23, 2007, at 9:29 am, the TARGET TELEPHONE received an incoming call  
7 from (831) 737-3017, call #2446. GUIZAR called HERRERA and asked to put the other  
8 guy on the phone. A unknown male got on the phone and gave GUIZAR directions to  
9 Dinuba, CA. At 10:05 am, the TARGET TELEPHONE received another incoming call from  
10 (831) 737-3017. The same unknown male gives GUIZAR further directions to a taqueria on  
11 the southeast corner of Mountain View and Alta in Dinuba, CA. At 10:15 am, surveillance  
12 agents located the previously mentioned Cadillac Escalade, driven by GUIZAR, and  
13 occupied by another male adult. Agents also located a 2007 black GMC Yukon, CA license  
14 SWLX442 (R/O Artemio LOPEZ, 10 Estrella Circle, Salinas, CA), being driven by an  
15 unknown female but later identified as Maria de Jesus MUNOZ. HERRERA was seen  
16 inside a blue 2000 Chevrolet pickup, CA license 7J43701, (R/O Romula Pineda, 7632 Van  
17 Maden Lane, Citrus Heights, CA). All three vehicles driving in tandem were followed to  
18 42990 Road 124, Orosi, CA. Agents saw the black Yukon park next to a green trailer, with  
19 the back hatch open and several subjects were standing around the vehicle. At approximately  
20 11:20 am, agents saw the Escalade and the Yukon leave the residence in tandem. At  
21 approximately 11:54 am, at the request of surveillance agents, a Fresno County Sheriff's  
22 Deputy conducted a vehicle stop of the Yukon for exceeding the speed limit. The driver of  
23 the Yukon, Maria de Jesus MUNOZ, presented a valid Washington State driver's license.  
24 The Deputy obtained permission from MUNOZ to conduct a search of the vehicle and he  
25 located two large duffel bags containing 86 pounds of marijuana. MUNOZ was arrested for  
26 possession of marijuana for the purpose of sale and booked into the Fresno County Jail on  
27 state charges. GUIZAR, who was driving the Escalade, was not stopped.

28 //

- 1 46. During the evening of September 25, 2007, agents established surveillance in Salinas, CA,  
2 to follow GUIZAR. Agents located the Escalade at 10 Estrella Circle, Salinas, and followed  
3 the Escalade driven by GUIZAR) to 327 Bardin Road, Salinas, CA. GUIZAR picked up two  
4 unknown males from the Bardin Road location and eventually returned to 10 Estrella Circle.  
5 Agents discontinued surveillance at 10 Estrella Circle at approximately 10:00 pm, and when  
6 Agents returned the following day at 7:00 am, the Escalade was in the same location, parked  
7 in the driveway.
- 8 47. On September 26, 2007, at 11:23 am, the TARGET TELEPHONE received an incoming call  
9 from (209) 485-3066, call #2629. This is a prepaid phone and is used by GUIZAR. Based  
10 on training and experience, your affiant believes that GUIZAR got a new phone due to the  
11 arrest of MUNOZ. On September 24, 2007, at 5:22pm, call #2554, GUIZAR called the  
12 TARGET TELEPHONE from (209) 485-3066 and told HERRERA that this is his new  
13 phone number. During call #2629, GUIZAR told HERRERA to come to where they had  
14 agreed and to "bring 20 beers". After this call ended, the TARGET TELEPHONE placed  
15 a call to (209) 658-2966, call #2630. This is a prepaid phone and the subscriber is a Pedro  
16 Rodriguez (with no further info). HERRERA asked the male on the other end, who was later  
17 identified as Bartolo MAULEON, where he was at and MAULEON said he was in Winton.  
18 HERRERA told MAULEON he was going over there (15426 Vinewood Road) and asked  
19 MAULEON to have the "20 beers ready for the party". Surveillance agents had been  
20 following GUIZAR from 10 Estrella Circle, Salinas, and observed that GUIZAR was the  
21 passenger in a 2001 burgundy Jeep Cherokee, WA license 230VXB, (R/O Hector Aguilar-  
22 Diaz, 3701 W. Dusty Lane, Benton City, WA). The California Highway Patrol conducted  
23 a vehicle stop on the burgundy Jeep Cherokee to identify the occupants. The driver produced  
24 a Washington State drivers license identifying himself as Jesus Zapien-PEREZ. The  
25 passenger identified himself as Jose Luis Martinez-GUIZAR (GUIZAR) with a date of birth  
26 September 18, 1968. Your affiant located a Washington State driver's license for Jose Luis  
27 Martinez-GUIZAR (GUIZAR) with the same date of birth. A picture of GUIZAR was  
28 shown to agents on surveillance on September 12<sup>th</sup>, 23<sup>rd</sup>, 25<sup>th</sup> and the 26<sup>th</sup> who then identified

1 GUIZAR as "CHEPA", the user of phones (831)737-3017 and subsequently (209) 485-3066.  
2 Following the vehicle stop by the C.H.P., surveillance agents surveilled the Cherokee to  
3 15426 Vinewood Road, Livingston, CA. Shortly thereafter, HERRERA arrived. At this  
4 location agents saw PEREZ, place a cardboard box and a small suitcase in the back area of  
5 the Jeep Cherokee. After 10 minutes, the Cherokee left, occupied by GUIZAR and PEREZ.  
6 Based on training and experience, your affiant believes that HERRERA was a "middle man"  
7 in a marijuana transaction for 200 pounds between GUIZAR and MAULEON (brought the  
8 "20 beers). SA Hernandez observed PEREZ picking up a large cardboard box and a suitcase  
9 that were each weighted down to the point where PEREZ had to use two hands to put the box  
10 and the suitcase into the Jeep Cherokee. Your affiant believes the transaction was for 200  
11 pounds rather than 20 pounds. Had this been a transaction for 20 pounds they would have  
12 used only one container, either a box or a suitcase and neither would have required two arms  
13 to pick them up. Your affiant believes that there was approximately 100 pounds in the  
14 suitcase and 100 pounds in the cardboard box during the transaction. Surveillance agents  
15 were unable to follow the Cherokee away however agents followed HERRERA over to 7164  
16 Chablis Lane, Winton, CA, possibly the residence for MAULEON who brought the "20  
17 beers".

18 48. On September 27, 2007, at 3:10 pm, the TARGET TELEPHONE called (209) 485-3066, call  
19 #2671. HERRERA called GUIZAR and asked what time. GUIZAR told HERRERA to have  
20 the workers ready and that they would meet in the City of Los Banos. GUIZAR said he was  
21 going to eat and would head that way and told HERRERA to call him once HERRERA was  
22 on his way. At 4:26 pm, the TARGET TELEPHONE received an incoming call from  
23 (209)681-8040, call #2675. An unknown female told HERRERA that Sergio  
24 (SANTACRUZ) had her call and asked where he (HERRERA) would be - at the ranch or at  
25 his house. HERRERA told the unknown female to tell Sergio to go to the ranch (15426  
26 Vinewood). At 4:28 pm, the TARGET TELEPHONE made an outgoing call to (209) 485-  
27 3066, call #2678, which was now being used by GUIZAR. HERRERA told GUIZAR they  
28 were on their way. GUIZAR told HERRERA to meet at the Chevron Station at the



1 intersection of Highway 33 and 152 by the lake (San Luis Reservoir). At approximately 5:00  
2 pm, surveillance agents observed the above described Cadillac Escalade, driven by GUIZAR,  
3 enter the Chevron Gas Station at the intersection of Highway 33 and 152 to the west of Los  
4 Banos, CA. Approximately 15 minutes later the SUBJECT VEHICLE, driven by Sergio  
5 SANTACRUZ arrived at the Chevron along with 5 other passengers. The six individuals in  
6 the SUBJECT VEHICLE greeted GUIZAR. SANTACRUZ and three other "workers" then  
7 got into the Escalade. Based on training and experience, your affiant believes that  
8 HERRERA got "workers" for GUIZAR to harvest a marijuana garden for GUIZAR.

9 49. On September 27, 2007, at 10:12 am, the TARGET TELEPHONE received an incoming call  
10 from (707) 234-0071. Ricardo VALDIVIAS-HERRERA was identified during the course  
11 of the investigation as the user of this phone. VALDIVIAS-HERRERA told HERRERA that  
12 there is a guy that wants 50, but of the better ones, and that this third party wanted them this  
13 week. VALDIVIAS-HERRERA then asked HERRERA if they have gone up there up there  
14 yet. HERRERA told him that the 'kids came down today' and that he (HERRERA) would  
15 ask them. VALDIVIAS-HERRERA then suggested that the next time they go up there, they  
16 should take three cars to be safe. VALDIVIAS-HERRERA suggested that he (VALDIVIAS-  
17 HERRERA) would ride in one and HERRERA ride in another and then the middle car would  
18 be safe. Based on training and experience, your affiant believes that, in the beginning of the  
19 conversation, VALDIVIAS-HERRERA was discussing a transaction of 50 pounds of  
20 marijuana between HERRERA and a third party. Your affiant believes that when  
21 VALDIVIAS-HERRERA asks if they have gone up there, he is discussing the Hoopa Valley  
22 Indian Reservation grow site and he suggests using three cars to insure that the marijuana  
23 coming back from the grow site would not be intercepted by law enforcement if it was in the  
24 middle vehicle. Your affiant believes that VALDIVIAS-HERRERA was cautious due to the  
25 fact that MEZA was arrested with 22 pounds of marijuana on September 7, 2007.

26 50. On October 1, 2007, agents from CVMIT, CAMP personnel, Forest Service and Deputies  
27 from the Humboldt County Sheriff's Department eradicated the marijuana grow located in  
28 the Hoopa Valley Indian Reservation. Agents eradicated a total of 4,326 live marijuana

1 plants and counted 9,897 stocks from the marijuana plants which had already been harvested  
2 making the total of marijuana plants 14,223.

3 51. On October 5, 2007, SA Rivera called (707) 234-0071 in order to identify the user of that  
4 phone. SA Rivera asked the male who answered the phone who he (SA Rivera) was speaking  
5 to and the male subject identified himself as Ricardo. SA Rivera apologized and stated he  
6 had the wrong number.

7 52. On October 7, 2007, agents were conducting surveillance at 4801 N. State Street, Space 39,  
8 Ukiah, CA, the residence of Ricardo VALDIVIAS-HERRERA. During the surveillance,  
9 agents observed VALDIVIAS-HERRERA walk in and out of the residence and after  
10 VALDIVIAS-HERRERA left the residence in a vehicle, SA Rivera called (707)234-0071  
11 and SA Pacheco observed VALDIVIAS-HERRERA talking on a cellular phone.  
12 Approximately one minute after this phone call, SA Rivera again called (707)234-0071. At  
13 the same time, SA Pacheco observed VALDIVIAS-HERRERA pick up a cellular phone,  
14 look at the screen and then answer.

15 53. On October 8, 2007, agents tracked the SUBJECT VEHICLE to 2305 Inglenook Drive,  
16 Modesto, CA. Agents established surveillance at this location and observed HERRERA  
17 driving the SUBJECT VEHICLE, occupied by five other Hispanic male adults. Agents  
18 followed the SUBJECT VEHICLE to 15426 Vinewood Road, Livingston, CA. At this  
19 location, agents observed the five unknown subjects exit the SUBJECT VEHICLE and enter  
20 the previously described Cadillac Escalade that agents had seen Jose Luis MARTINEZ-  
21 GUIZAR (GUIZAR) using during the investigation. Agents then observed MARTINEZ-  
22 GUIZAR (GUIZAR) drive the Cadillac from the property with the five unknown subjects  
23 and surveillance was discontinued on the Cadillac. Agents then observed HERRERA  
24 driving the SUBJECT VEHICLE from the property to 2236 N. Fern Street, Merced, CA.

25 **C. SUMMARY OF PROBABLE CAUSE FOR PREMISES**

26 **2236 N. Fern Street., Merced, CA**

27 On September 22, 2007, the CI met with HERRERA's residence, 2236 N. N. Fern Street.,  
28 for the purpose of obtaining information regarding HERRERA's marijuana garden located in the



1 Hoopa Valley Indian Reservation. This meeting was monitored by CVMIT Agents. During this  
2 meet HERRERA told the CI he, HERRERA would utilize the CI to help him bring 50-60 pounds  
3 of processed marijuana at a time from the marijuana garden in the Hoopa Valley Indian Reservation.

4 On October 1, 2007, SA Rivera spoke with the CI and the CI told him that HERRERA  
5 continues to live at 2236 N. Fern Street, Merced, CA. During the course of this investigation,  
6 CVMIT agents have seen Arnoldo HERRERA coming and going at different times of the day from  
7 2236 N. Fern Street, Merced, CA.

8 On October 4, 2007, the CI, at the request of agents, met with HERRERA at 2236 N. Fern  
9 Street, Merced, CA. During the meeting, HERRERA told the CI that law enforcement had  
10 eradicated his grow site in Eureka. The CI stated that HERRERA was intoxicated and depressed due  
11 to the fact that law enforcement had taken his marijuana plants near Eureka, CA.

12 On October 8, 2007, agents tracked the SUBJECT VEHICLE to 2305 Inglenook Drive,  
13 Modesto, CA. Agents established surveillance at this location and observed HERRERA driving the  
14 SUBJECT VEHICLE, occupied by five other Hispanic male adults. Agents followed the SUBJECT  
15 VEHICLE to 15426 Vinewood Road, Livingston, CA. At this location, Agents observed the five  
16 unknown subjects exit the SUBJECT VEHICLE and enter the previously described Cadillac  
17 Escalade used by Jose Luis MARTINEZ-GUIZAR(GUIZAR). Agents then observed GUIZAR drive  
18 the Cadillac from the property with the five unknown subjects and surveillance was discontinued on  
19 the Cadillac. Agents then observed HERRERA driving the SUBJECT VEHICLE from the  
20 Vinewood location to 2236 N. Fern Street, Merced, CA.

21 15426 Vinewood Road, Livingston, CA

22 On June 28, 2007, agents saw Arnoldo HERRERA and the CI arrive 15426 Vinewood Road,  
23 Livingston, CA., in the SUBJECT VEHICLE.

24 On July 10, 2007, the CI met with Arnoldo HERRERA at 15426 Vinewood Road,  
25 Livingston, CA. During this meet, the CI was equipped with a recording device. HERRERA told  
26 the CI, they would be driving to the marijuana garden located in Plumas County to check the status  
27 of the plants and to deliver equipment needed by the workers attending to the marijuana garden.

28 //

1 On September 5, 2007, agents tracked the SUBJECT VEHICLE as it was returning from  
2 Plumas County where HERRERA has a marijuana garden. Agents observed Juan Antonio Soto  
3 LOPEZ driving the TARGET VEHICLE with three other unknown Hispanic male adults who were  
4 dressed in camouflage clothing. The SUBJECT VEHICLE was seen arriving at 15426 Vinewood  
5 Road.

6 On September 26, 2007, agents saw Arnoldo HERRERA, and Jose Luis Martinez GUIZAR  
7 (GUIZAR) conduct a 200 pound marijuana drug transaction at this location, 15426 Vinewood Road,  
8 Livingston, CA.

9 On October 3, 2007, agents observed Juan SOTO-LOPEZ drive the SUBJECT VEHICLE  
10 from 15426 Vinewood Road, Livingston, CA, to 259 Copco Lane, San Jose, CA. From there, agents  
11 surveilled SOTO-LOPEZ drive a white Ford Expedition to Highway 299, west of Redding, CA.  
12 Four other unknown Hispanic male adults were also in the Ford Expedition. Agents discontinued  
13 surveillance on Highway 299 at approximately 1:30 am, however, cameras set up at a drop point near  
14 the Hoopa Valley grow site, took photographs of the white Expedition arriving at 3:51 am, on  
15 October 4, 2007.

16 On October 3, 2007, a citizen informant told agents that the individuals using the residence  
17 at 15426 Vinewood Road, Livingston, CA, were also using a trailer, believed to be unoccupied, near  
18 the residence. This double wide trailer is light blue in color and is approximately 100 yards to the  
19 north of the main residence.

20 On October 8, 2007, agents tracked the SUBJECT VEHICLE to 2305 Inglenook Drive,  
21 Modesto, CA. Agents established surveillance at this location and observed HERRERA driving the  
22 SUBJECT VEHICLE, occupied by five other Hispanic male adults. Agents followed the SUBJECT  
23 VEHICLE to 15426 Vinewood Road, Livingston, CA. At this location, agents observed the five  
24 unknown subjects exit the SUBJECT VEHICLE and enter the previously described Cadillac  
25 Escalade (used by GUIZAR). Agents then observed GUIZAR drive the Cadillac from the property  
26 with the five unknown subjects and surveillance was discontinued on the Cadillac. Agents then  
27 observed HERRERA driving the SUBJECT VEHICLE from the property to 2236 N. Fern Street,  
28 Merced, CA.

1 2305 Inglenook Drive, Modesto, CA

2 On June 18, 2007, agents followed the SUBJECT VEHICLE, driven by Omar MEZA, from  
3 a gas station in Turlock, CA, to 2305 Inglenook Drive, Modesto, CA. At this location, Agents  
4 observed Sergio SANTACRUZ leave the residence and enter the SUBJECT VEHICLE. The CI was  
5 picked up at the gas station by MEZA and was present in the vehicle when the SUBJECT VEHICLE  
6 arrived at 2305 Inglenook Drive, Modesto, CA. From 2305 Inglenook Drive, Modesto, CA, agents  
7 surveilled the SUBJECT VEHICLE to the Plumas National Forest. Prior to this surveillance, the  
8 CI told Agents that SANTACRUZ resided at 2305 Inglenook Drive, Modesto, CA.

9 On September 27, 2007, SA Minerva saw Sergio SANTACRUZ exit the residence at 2305  
10 Inglenook Drive, Modesto, CA. SANTACRUZ left the residence in red Ford van Ca. License  
11 #4MSN13 5 registered to Monica Rangelarmas, 2236 N. Fern Street, Merced, CA. On this same  
12 day, during the surveillance agents saw SANTACRUZ meet with Jose Luis Martinez GUIZAR in  
13 the City of Los Banos, CA. During the meet agents saw SANTACRUZ along with two other  
14 workers get into GUIZAR's vehicle. The purpose of this meet was because GUIZAR had asked  
15 HERRERA for workers to attend to a marijuana garden.

16 On October 8, 2007, Agents tracked the SUBJECT VEHICLE to 2305 Inglenook Drive,  
17 Modesto, CA. Agents established surveillance at this location and observed HERRERA driving the  
18 SUBJECT VEHICLE, occupied by five unknown Hispanic male adults. Agents followed the  
19 SUBJECT VEHICLE to 15426 Vinewood Road, Livingston, CA. At this location, agents observed  
20 the five unknown subjects exit the SUBJECT VEHICLE and enter the previously described Cadillac  
21 Escalade (used by GUIZAR). Agents then observed GUIZAR drive the Cadillac from the property  
22 with the five unknown subjects and surveillance was discontinued on the Cadillac. Agents then  
23 observed HERRERA driving the SUBJECT VEHICLE from the property to 2236 N. Fern Street,  
24 Merced, CA.

25 42990 Road 124, Orosi, CA

26 On September 22, 2007, the CI provided agents that HERRERA was going to conduct a 200  
27 pound drug transaction on September 23, 2007.

28 //

1 On September 23, 2007, agents intercepted a call and during this call agents determined  
2 GUIZAR and HERRERA were meeting in the City of Dinuba. Surveillance agents located  
3 GUIZAR, HERRERA, Maria DeJesus MUNOZ, and two unidentified male subjects in the parking  
4 lot of a "Taqueria" store located on Mountain View west of Alta in the City of Dinuba. GUIZAR  
5 and an unidentified male were seen getting into GUIZAR's Cadillac Escalade (5YXF877).  
6 HERRERA and another unidentified male were seen getting into a blue Chevrolet pick up Ca.  
7 License #7J43701 (r/o Romula Pineda, 7632 Van Maden Lane, Citrus Heights, CA) and Maria  
8 DeJesus MUNOZ was seen driving a black GMC Yukon Ca. License #5WLX442 (r/o Artemio  
9 LOPEZ, 10 Estrella Circle, Salinas, CA) alone.

10 Agents saw HERRERA in the blue Chevrolet pick (7J43701), GUIZAR in the white Cadillac  
11 Escalade, and MUNOZ in the black GMC Yukon (5WLX442) drive in tandem to 42990 Road 124,  
12 Orosi, CA. Agents saw the black Yukon park next to a green trailer, with the back hatch open and  
13 several subjects were standing around the vehicle. At approximately 11:20am, Agents saw the  
14 Escalade and the Yukon leave the residence in tandem. At approximately 11:54am, at the request  
15 of surveillance Agents, a Fresno County Sheriff's Deputy conducted a vehicle stop of the Yukon for  
16 exceeding the speed limit. The driver of the Yukon, Maria de Jesus MUNOZ, presented a valid  
17 Washington State driver's license. The Deputy obtained permission from MUNOZ to conduct a  
18 search of the vehicle and he located two large duffel bags, containing 86 pounds of marijuana.  
19 MUNOZ was arrested for possession for sale of marijuana. MARTINEZ, who was driving the  
20 Escalade, was not stopped.

21 According to Pacific Gas and Electric, the subscriber to this location is a Basilia SOSA and  
22 the gas and electricity was activated on September 7, 2007. Your affiant was not able to obtain any  
23 information concerning Basilia SOSA from California DMV and criminal history databases. Your  
24 affiant believes, through his training and experience that because of the recent date the gas and  
25 electricity was activated this residence may be used as a stash location for marijuana. Your affiant  
26 is aware that drug traffickers will use fictitious names to avoid been identified by law enforcement.  
27 Your affiant is also aware that marijuana cultivators will locate stash locations in rural areas such  
28 as this to hide their marijuana.

1 On September 30, 2007, at 1628 hours, agents intercepted a call on the TARGET  
2 TELEPHONE. The caller on the phone was identified as Jose Luis Martinez-GUIZAR. During the  
3 call, GUIZAR asked HERRERA about the guy they had left owing if he still had any left over or new  
4 ones and HERRERA said, "Yes." GUIZAR asked HERRERA if they were as great as the ones that  
5 they took away from us the other day. HERRERA said, yes because he, HERRERA thought they  
6 were of the same ones. GUIZAR asked how many did he, HERRERA, think the other guy had.  
7 HERRERA told GUIZAR he did not know. GUIZAR told HERRERA he wanted to get a 'century'.  
8 HERRERA told GUIZAR, 'maybe yes'. GUIZAR told HERRERA that he would go in the morning  
9 to see how they worked it out.

10 Based on training and experience, your affiant believes GUIZAR and HERRERA were  
11 speaking about conducting a 100 pound transaction of marijuana from the unidentified source of  
12 supply living/staying at 42990 Road 124, Oroshi, CA. When GUIZAR asked HERRERA if they were  
13 as great as the ones that they took away from us the other day, GUIZAR is referring to the 86 pounds  
14 of marijuana that law enforcement seized on September 23, 2007. This transaction of 86 pounds of  
15 marijuana was observed and seized by agents as it occurred on this date. When GUIZAR told  
16 HERRERA he wanted to get like a century, your affiant believes, based on training, experience and  
17 other wire interception in this investigation that GUIZAR is referring to purchasing 100 pounds of  
18 marijuana. Based on my training and experience, your affiant believes that 42990 Road 124, Oroshi,  
19 CA., is been used as a place to store and conduct marijuana transactions.

20 **7164 Chablis Lane, Winton, CA.**

21 On September 26, 2007, at 9:16 am, agents intercepted call #2618 on the TARGET  
22 TELEPHONE. This was an outgoing call to (209) 485-3066. During this call GUIZAR told  
23 HERRERA they would be meeting at the place they had agreed to meet. GUIZAR also told  
24 HERRERA to tell the kid (source of supply) it would be a give and take transaction. Your affiant  
25 believes this call was regarding a drug transaction between GUIZAR, HERRERA, and the source  
26 of supply, later identified as Bartolo MAULEON.

27 On this same date, at 11:22 am, agents intercepted a call on the TARGET TELEPHONE.  
28 This was an incoming call from (209) 485-3066. During the call, GUIZAR told HERRERA



1 again that they would meet at the place they had arranged. GUIZAR asked HERRERA to bring  
2 "20 beers" and HERRERA acknowledged.

3 On the same date, at 11:27 am, agents intercepted call #2630 on the TARGET  
4 TELEPHONE. This was an outgoing call to (209) 658-2966. During this call HERRERA talked  
5 to an unknown male, later identified as Bartolo MAULEON, and told him (MAULEON) to have  
6 "20 beers" ready for the party and MAULEON acknowledged. On October 4, 2007, in an effort  
7 to identify the user of (209) 658-2966, a Deputy from the Merced County Sheriff's Department,  
8 at the request of investigating agents, knocked on the door of 7164 Chablis Lane, Winton, CA. A  
9 subject answered who identified himself as Bartolo MAULEON, date of birth May 29, 1976.  
10 MAULEON told the Deputy that he lives at this location and that the blue Honda (CA license  
11 4GOZ018) parked at the residence was his (MAULEON's). This is the same Honda described  
12 above during the surveillances conducted on September 26 and 28, 2007. As the Deputy was  
13 talking to MAULEON, TFO De La Cerda called (209)658-2966, and the Deputy heard a phone  
14 ringing in MAULEON's pants pocket.

15 Later on September 26, 2007, at 12:37 pm, agents intercepted a call on the TARGET  
16 TELEPHONE. This was an incoming call from (209) 658-2966. During this call the person  
17 believed to be MAULEON asked HERRERA where he was at and HERRERA said they were on  
18 their way.

19 During these calls, CVMIT agents were following GUIZAR and PEREZ in the red Jeep  
20 Cherokee from 10 Estrella Circle, Salinas, CA. Agents surveilled the Cherokee to 15426  
21 Vinewood Road, Livingston, CA. At this location agents saw PEREZ place a large cardboard  
22 box and a large suitcase in the back area of the Jeep Cherokee, both of which appeared to be  
23 heavy. After 10 minutes, the Cherokee left, occupied by GUIZAR and PEREZ. As stated in  
24 paragraph 47, based on training, experience, and the calls intercepted, your affiant believes that  
25 HERRERA was acting as a "middle man" who was brokering a marijuana transaction for 200  
26 pounds between GUIZAR (the buyer) and MAULEON (brought the "20 beers"). At about 12:38  
27 pm, GUIZAR and PEREZ left Vinewood in the Jeep Cherokee and were not followed by  
28 surveillance officers. At about 12:40 pm, agents saw HERRERA arrive at Vinewood in a blue

1 Honda Ca. License #4GOZ018 (r/o MAULEON, Bartolo, 7164 Chablis Lane, Winton, CA).  
2 Agents saw HERRERA leave the Vinewood location and drive to 7164 Chablis Lane, Winton,  
3 CA, believed to be the residence for MAULEON.

4 On September 28, 2007, CVMIT agents were on surveillance at HERRERA's residence,  
5 2236 N. Fern St., Merced, CA. During this surveillance, agents saw the blue Honda, Ca.  
6 License #4GOZ018 (r/o MAULEON, Bartolo, 7164 Chablis Lane, Winton, CA) arrive at this  
7 location driven by an unknown Hispanic male adult, believed to be MAULEON. The blue  
8 Honda left the N. Fern address and was followed by agents to 7164 Chablis Lane, Winton, CA.  
9 While driving back to the Chablis residence, SA Minerva called (209) 658-2966, the phone used  
10 by MAULEON on September 26, 2007, and had a brief conversation with the individual who  
11 answered the phone. At the same time, SAS Wood saw the driver of the Honda answer his  
12 phone and have a brief conversation.

13 On October 1, 2007, agents intercepted call #2802 on the TARGET TELEPHONE. This  
14 was an outgoing call to (209) 658-2966. On this call HERRERA tells MAULEON that he,  
15 HERRERA, was waiting for the guy. MAULEON told HERRERA just to let him know and he  
16 (MAULEON) was up for it. Based on my training and experience, your affiant believes  
17 HERRERA was speaking to MAULEON about waiting for a buyer to arrive, so that a marijuana  
18 transaction could be completed.

19 On October 2, 2007, agents intercepted call #2810 on the TARGET TELEPHONE. This  
20 was an outgoing call to (209) 658-2966. During this call HERRERA spoke with MAULEON.  
21 HERRERA asked MAULEON where he was at. The subject told HERRERA to go inside and  
22 that he could see him. SA Rivera checked the location of the SUBJECT VEHICLE and saw that  
23 it was parked in front of 7164 Chablis Lane, Winton, CA per the information received from the  
24 GPS tracker. Agents were not on surveillance and could not confirm if HERRERA was the  
25 driver of the SUBJECT VEHICLE.

26 259 Copco Lane, San Jose, CA - location in the Northern District of California

27 On August 22, 2007, during a surveillance agents saw Arnoldo HERRERA arrive at  
28 15426 Vinewood Road, Livingston, CA., in a black Dodge pick up Ca. License #7B23131.



1 During the surveillance agents saw subjects loading items into the back of the truck. The truck  
2 left the residence driven by Omar MEZA accompanied by another unknown subject. The truck  
3 was surveilled to 259 Copco Lane, San Jose, CA. At this location agents saw an unknown  
4 subject retrieve a large duffel bag from the back of the truck and walk to the rear of this  
5 residence. Agents then saw MEZA along with three other unknown males leave the residence in  
6 the truck and travel to the area of the Hoopa Valley Indian Reservation. In this area agents have  
7 identified a marijuana garden which is connected to HERRERA. On October 1, 2007, agents  
8 from CVMIT, CAMP personnel, Forest Service, and Deputies from the Humboldt County  
9 Sheriff's Department eradicated the marijuana grow in the Hoopa Valley Indian Reservation.  
10 Agents eradicated a total 4,326 live marijuana plants and counted 9,897 stocks from marijuana  
11 plants which had already been harvested.

12 On September 16, 2007, CVMIT agents were conducting surveillance at 259 Copco Lane,  
13 San Jose, CA. During the surveillance agents saw Francisco CONTRERAS exit the residence  
14 and leave in an orange Chevrolet pick up Ca. License #5EUR945 registered to Edith SALAS at  
15 259 Copco Lane, San Jose, CA. On this same day, agents saw Omar MEZA and Juan Antonio  
16 SOTO-LOPEZ exit the residence and leave in the SUBJECT VEHICLE. Agents have seen  
17 HERRERA driving the SUBJECT VEHICLE on different occasions and the CI has also  
18 identified the SUBJECT VEHICLE as belonging to HERRERA.

19 On October 3, 2007, agents observed Juan SOTO-LOPEZ drive the SUBJECT VEHICLE  
20 from 15426 Vinewood Road, Livingston, CA, to 259 Copco Lane, San Jose, CA. From there,  
21 agents surveilled SOTO-LOPEZ drive a white Ford Expedition to Highway 299, west of  
22 Redding, CA. Four other unknown Hispanic male adults were also in the Ford Expedition.  
23 Agents discontinued surveillance on Highway 299 at approximately 1:30 am, however, cameras  
24 set up at a drop point near the Hoopa Valley grow site, took photographs of the white Expedition  
25 arriving at 3:51 am, on October 4, 2007.

26 4801 N. State Street, Space 39, Ukiah, CA - location in Northern District of California

27 On September 12, 2007, agents intercepted call #2144, this was an incoming call from  
28 (707) 485-1382. The caller, later identified as Ricardo VALDIVIAS-HERRERA, and

1 HERRERA, spoke about Omar MEZA having been released from jail. VALDIVIAS-HERRERA  
2 asked HERRERA if everything was fine because of the arrest of MEZA and HERRERA replied  
3 in the affirmative. VALDIVIAS-HERRERA also told HERRERA he had called from this phone  
4 number, (707) 485-1382, the residence hardline, because his other phone sounded different and  
5 was concerned. Based on training and experience, your affiant believes that VALDIVIAS-  
6 HERRERA was concerned that law enforcement was listening to his phone. HERRERA told  
7 VALDIVIAS-HERRERA, that he should change his phone number. The subscriber of this  
8 residential hardline phone is Ricardo VALDIVIAS-HERRERA at 4801 N. State Street, space  
9 #39, Ukiah, CA.

10 On September 16, 2007 during an intercepted call, VALDIVIAS-HERRERA told  
11 HERRERA that 'the chicken they had sent out far had got there'. VALDIVIAS-HERRERA told  
12 HERRERA he would have the money in 2-3 days. VALDIVIAS-HERRERA also suggested to  
13 HERRERA that they sent two at a time because they did not want to loose of all it. Your affiant  
14 believes that VALDIVIAS-HERRERA and HERRERA where speaking about a load of  
15 marijuana which had been sent to a recipient far away that had made it safely to its destination.  
16 Your affiant also believes VALDIVIAS-HERRERA suggested to HERRERA they sent 200  
17 pounds of marijuana at a time in case the load is intercepted and seized by law enforcement.

18 On September 17, 2007, CVMIT agents conducted a surveillance at 4801 N. State Street,  
19 Space #39, in the City of Ukiah, CA. On this date, agents identified Ricardo VALDIVIAS-  
20 HERRERA from a California DMV driver's license photograph. Ricardo VALDIVIAS-  
21 HERRERA'S, California driver's license #D3942934, has his residence address listed at 4801 N.  
22 State Street, Space #39, Ukiah, CA. On this same date, SA Pacheco called (707) 485-1382 and  
23 saw Ricardo VALDIVIAS-HERRERA answer a phone from inside 4801 N. State Street, Space  
24 #39. This appeared to be the residential landline telephone as the telephone had a cord. During  
25 this same surveillance agents saw Ricardo VALDIVIAS-HERRERA walk into 4801 N. State  
26 Street, Space #39.

27 On October 7, 2007, agents were conducting surveillance at 4801 N. State Street, Space  
28 39, Ukiah, CA, the residence of Ricardo VALDIVIAS-HERRERA. During the surveillance,

1 agents observed VALDIVIAS-HERRERA walk in and out of the residence. After VALDIVIAS-  
2 HERRERA left the residence in a vehicle, SA Rivera called (707) 234-0071 and SA Pacheco  
3 observed VALDIVIAS-HERRERA talking on a cellular phone. Approximately one minute after  
4 this phone call, SA Rivera again called (707) 234-0071. At the same time, SA Pacheco observed  
5 VALDIVIAS-HERRERA pick up a cellular phone look at the screen and then answer.

6 **10 Estrella Circle, Salinas, CA - location in Northern District of California**

7 On September 12, 2007, agents intercepted call #2147. This was an incoming call from  
8 Jose Luis MARTINEZ-GUIZAR (GUIZAR) calling from (831) 737-3019. GUIZAR told  
9 HERRERA to have the guys ready to work and asked HERRERA if they were going.  
10 HERRERA said yes and GUIZAR told HERRERA to take them so they could just meet up over  
11 there because GUIZAR was in a hurry to get back. Your affiant believes GUIZAR was asking  
12 HERRERA for workers to attend to a marijuana garden. On this same date, agents on  
13 surveillance saw GUIZAR arrive at HERRERA's residence, 2236 N. Fern Street, Merced, CA.,  
14 in a white Cadillac Escalade Ca. License #5YXF877 (R/O CONTRERAS, Jose Luis, 327 Bardin  
15 Road, Salinas, CA.). During this same surveillance, agents saw GUIZAR and HERRERA drive  
16 to a park located in the City of Winton, CA. At this location agents saw GUIZAR and  
17 HERRERA pick up two Hispanic males and then GUIZAR, HERRERA, and the unidentified  
18 males drove back to 2236 N. Fern Street, Merced, CA. GUIZAR left the residence with the  
19 unidentified males and drove to 15426 Vinewood Ave., Livingston, CA. This residence has been  
20 identified by the CI as the residence used by HERRERA to house the workers and store  
21 marijuana. At this location agents saw the same unidentified males placing bags into the back of  
22 GUIZAR's Cadillac Escalade. GUIZAR left this residence with the same male subjects and  
23 traveled to 10 Estrella Circle, Salinas, CA. Agents saw the Cadillac Escalade (5YXF877) park  
24 inside the garage of this residence.

25 On September 22, 2007, the CI told agents that HERRERA was going to conduct a 200  
26 pound drug transaction on September 23, 2007.

27 On September 23, 2007, agents intercepted a call and during this call, agents determined  
28 GUIZAR and HERRERA were meeting in the City of Dinuba. Surveillance agents located

1 GUIZAR, HERRERA, Maria DeJesus MUNOZ, and two unidentified male subjects in the  
2 parking lot of a "Taqueria" store located on Mountain View Avenue west of Alta in the City of  
3 Dinuba. GUIZAR and an unidentified male were seen getting into GUIZAR's Cadillac Escalade  
4 (5YXF877). HERRERA and another unidentified male were seen getting into a blue Chevrolet  
5 pick up, Ca. License #7J43701 (R/O Romula Pineda, 7632 Van Maden Lane, Citrus Heights,  
6 CA) and Maria DeJesus MUNOZ was seen driving a black GMC Yukon Ca. License #5WLX442  
7 (r/o Artemio LOPEZ, 10 Estrella Circle, Salinas, CA) alone.

8 Agents saw the blue Chevrolet pick (7J43701) with HERRERA, GUIZAR in the white  
9 Cadillac Escalade, and MUNOZ in the black GMC Yukon (5WLX442) drive in tandem to 42990  
10 Road 124, Orosi, CA. At this location agents believe a marijuana drug transaction occurred.  
11 Agents saw GUIZAR and MUNOZ leave 42990 Road 124 in tandem. A short time later,  
12 MUNOZ was stopped by a deputy from the Fresno County Sheriff's Department in Fresno  
13 County. The deputy obtained consent to search MUNOZ's vehicle and located about 86 pounds  
14 of processed marijuana inside to large duffel bags. MUNOZ was arrested and transported to the  
15 county jail.

16 On September 25, 2007, CVMIT agents conducted surveillance at 10 Estrella Circle,  
17 Salinas, CA. During the surveillance agents saw Jose Luis Martinez GUIZAR arrive an park in  
18 the driveway of this residence. On this same date, agents terminated surveillance at about 10:00  
19 pm and the white Cadillac Escalade (5YXF877) driven by GUIZAR was still parked in the  
20 driveway.

21 On September 26, 2007, CVMIT agents began surveillance at about 7:00 am and saw the  
22 white Cadillac Escalade (5YXF877) park in the same spot of this driveway. On this same date,  
23 agents saw GUIZAR and a subject later identified as Jesus Zapien PEREZ leave the residence in  
24 a red Jeep Cherokee Washington license #230VXB. GUIZAR and PEREZ were followed to  
25 15426 Vinewood Road, Livingston, CA., where agents believe GUIZAR, PEREZ, HERRERA,  
26 and MAULEON conducted a 200 pound marijuana transaction.

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28 //

**D. EXPERTISE FOR ITEMS TO BE SEIZED**

1. Based on my training, experience, and my participation in other investigations involving large amounts of controlled substances, I know that the following items are commonly found at residences, stash locations, and business premises (including rooms, attics, basements, and other parts therein, the surrounding grounds, any garages, storage rooms, storage lockers, trash containers, and any outbuildings located thereon, vehicles parked on the property or in the driveway that are registered to the suspects, garage, or assigned parking areas at such locations, which are owned, controlled or used by drug traffickers.
  - A. Drug traffickers commonly hide contraband, proceeds of drug sales, and records of transactions, drug sources, and drug customers, in secure locations within the residences, offices, garages, automobiles, storage lockers, and safe deposit boxes, for ready access and to conceal such items from law enforcement authorities.
  - B. Drug traffickers often possess weapons in order to protect themselves, their drugs, and their drug proceeds from others. These items are kept in secure locations within the residences, offices, garages, automobiles, storage lockers, and safe deposit boxes, for ready access and to conceal such items from law enforcement authorities.
  - C. Drug traffickers usually keep paraphernalia for packaging, cutting, weighing, and distributing controlled substances, and that such paraphernalia, usually includes syringes, prescription bottles, scales, plastic bags and heat sealers. These items are kept in secure locations within the residences, offices, garages, automobiles, storage lockers, and safe deposit boxes, for ready access and to conceal such items from law enforcement authorities.
  - D. Drug traffickers commonly maintain addresses or telephone numbers in books or papers which reflect names, addresses, and/or telephone numbers of their associates in the drug trafficking organization, even if these items might be in

code. These items are kept in secure locations within the residences, offices, garages, automobiles, storage lockers, and safe deposit boxes, for ready access and to conceal such items from law enforcement authorities.

E. Drug traffickers frequently take, or cause to be taken, photographs of themselves, their associates, their property, and their product (controlled substances). These items are kept in secure locations within the residences, offices, garages, automobiles, storage lockers, and safe deposit boxes, for ready access and to conceal such items from law enforcement authorities.

F. Drug traffickers often maintain articles of personal property, such as personal identification, personal correspondence, delivery pouches, diaries, checkbooks, notes, photographs, keys, utility bills, receipts, rent receipts, addressed envelopes, bills, personal telephone and address books, unexposed film, video tapes, and video cassette boxes. These items are essential to establish the identities of individuals in control or possession of the premises, residences, vehicles, storage areas, and containers being searched. These items are kept in secure locations within the residences, offices, garages, automobiles, storage lockers, and safe deposit boxes, for ready access and to conceal such items from law enforcement authorities.

G. Drug traffickers will often use cellular telephone and/or pagers to further their criminal activity, and maintain telephone bills which reflect their calls which facilitate drug trafficking. By answering telephones or returning pager calls, co-conspirators have been and can be identified and additional controlled substances have been seized.

H. Drug traffickers often maintain, on hand, large amounts of U.S. currency in order to maintain and finance their ongoing drug business. These individuals conceal caches of drugs, large amounts of currency, financial instruments, precious metals, jewelry, and other items of value and/or proceeds of drug transactions, and evidence of financial transactions relating to obtaining,



transferring, secreting, or spending of large sums of money made from engaging in drug trafficking activities, in their residences, offices, garages, automobiles, storage buildings, automobiles, and safety deposit boxes.

I. Drug traffickers very often place assets in names other than their own, to avoid detection of these assets by Government agents. Even though those assets are in other person's names, drug traffickers continue to use those assets and exercise dominion and control over them. These individuals normally conduct a "cash and carry" type of business which can generate large volumes of currency. It is common for these persons to establish one or more bank accounts in which the currency is deposited. Records of these accounts normally consist of checking/savings accounts registers, checking/savings account statement, checking/savings account deposit slips, canceled checks, wire transfers, money orders, state and federal income tax reports and other financial documents that identify the location of assets which have been obtained by illegal drug sales. Furthermore, these financial documents and records establish legitimate income and net worth, this proves that assets in excess of legitimate sources are derived from drug sales and further proves intent to distribute drugs. Courts have recognized that "unexplained wealth" is probative evidence of crimes motivated by greed, in particular, drug trafficking.

These items are kept in secure locations within the residences, offices, garages, automobiles, storage lockers, and safe deposit boxes, for ready access and to conceal such items from law enforcement authorities.

J. Drug traffickers often travel, sometimes great distances, to manage the production and/or distribution of controlled substances. Documentation of this travel will often be kept in secure locations within the residences, offices, garages, automobiles, storage lockers, and safe deposit boxes, for ready access and to conceal such items from law enforcement authorities.

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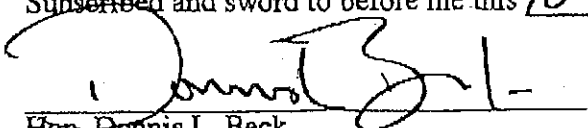
1        **E.     CONCLUSION**

2                Based upon this information, there is probable to believe that evidence (more  
3 particularly described on Attachment B) of a conspiracy to manufacture marijuana and  
4 distribute marijuana, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and  
5 841(b)(1)(A) will be found at the properties described more fully in Attachment A.

6                Based on the foregoing, I further believe that there is probable cause to believe that  
7 Arnolde HERRERA (AKA: Eleazar HERRERA-VALENCIA and "DON LUPE"), Omar  
8 MEZA, Juan Antonio SOTO-LOPEZ, Bartolo MAULEON, Jesus Zapien PEREZ, Sergio  
9 SANTACRUZ, Jose BIRRUETA-MACIAS, Francisco CONTRERAS, Ricardo VALDIVIAS-  
10 HERRERA, Jose Luis MARTINEZ-GUIZAR, (AKA: "CHEPA"), and Maria de Jesus  
11 MUNOZ, conspired to manufacture 1,000 or more marijuana plants and to distribute  
12 marijuana, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and  
13 841(b)(1)(A).

14                  
15 Kevin Boleky  
16 Special Agent  
Drug Enforcement Administration

17                Subscribed and sworn to before me this 10<sup>th</sup> day of October, 2007 at Fresno, California

18                  
19 Hon. Dennis L. Beck  
20 United States Magistrate Judge  
21 Eastern District of California  
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